

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 02-42
Table of Allotments,)	RM-10382
FM Broadcast Stations.)	
(Chester and Westwood, California))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 29, 2002**Released: June 7, 2002**

By the Assistant Chief, Audio Division:

1. The Audio Division has before it the Notice of Proposed Rule Making, DA 02-487, released March 1, 2002, [67 FR 12501 (March 19, 2002)] ("Notice"), issued in response to a petition for rule making filed by Tom F. Huth ("Petitioner"), permittee of Station KTOR(FM), Channel 259A, Chester, California. Petitioner requests the reallocation of Channel 259A to Westwood, California, as that community's first local commercial aural transmission service, and the modification of Station KTOR's license to specify Westwood as its community of license.¹ Petitioner filed comments reaffirming its proposal and reiterating its intent to implement its proposal if the reallocation of Channel 259A to Westwood occurs. No other party filed comments or any other pleading in this proceeding. For the reasons stated below, we grant Petitioner request to change its community of license to Westwood.

2. Petitioner filed its request to reallocate Channel 259A to Westwood, California, pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.²

3. We believe that the public interest would be served by reallocating Channel 259A from Chester to Westwood because Westwood would receive its first local commercial aural transmission service. The reallocation of Channel 259A to Westwood would not deprive Chester of its sole local aural transmission outlet because Chester would continue to be served by FM Station KBNF, Channel 255C. Therefore, in accordance with the provisions of Section 1.420(i) of the Commission's Rules, we will modify the license of Station KTOR(FM) to specify

¹ An application to serve Westwood on noncommercial educational Channel 207C1 has been filed, but there are presently no local broadcast services provided to that community.

² See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

operation on Channel 259A at Westwood, California.

4. Channel 259A can be allotted to Westwood, California, in conformity with the technical requirements of the Commission's Rules, utilizing Petitioner's requested site at the coordinates of 40-14-21 North Latitude and 121-01-52 West Longitude. The transmitter site has a restriction of 7.8 kilometers (4.8 miles) south of Westwood, California.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 22, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Chester, California	255C
Westwood, California	259A

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Tom F. Huth for Station KTOR(FM), Chester, California, IS MODIFIED to specify operation on Channel 259A at Westwood, California, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(l)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Tom F. Huth, permittee of Station KTOR(FM), is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license.

8. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

9. For further information concerning the above, contact R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Media Bureau